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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/345,755	07/01/1999	AKIHIKO SUGIURA	PM-262230-70	1611

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EXAMINER

KUMAR, PANKAJ

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 06/10/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Dr

Office Action Summary

Application No.

09/345,755

Applicant(s)

SUGIURA, AKIHIKO

Examiner

Pankaj Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it is too long. It should be greater than 50 words and less than 150 words. Correction is required. See MPEP § 608.01(b).
2. The disclosure is objected to because of the following informalities: Table 2 does not appear to be a table. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 3-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claims 3 and 4 are grammatically incorrect with “breaking-wave transmitting means incorporates electric-power amplifying means which is capable of arbitrarily control an amplification gain”.
6. Claims 5-11 are grammatically incorrect with “a communication breaking device according to any one of claims”

Claim Objections

Claims 5-11 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim “any one of claims”. See MPEP § 608.01(n). Accordingly, claims 5-11 have not been further treated on the merits.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rypkema USPN 4,395,734.

9. As per claim 1, Rypkema teaches a communication breaking device for breaking communication of a communication apparatus which modulates or demodulates information about contents of the communication with a predetermined code sequence, said communication breaking device comprising: code sequence extracting means which is capable of extracting the predetermined code sequence from a received incoming wave (Rypkema fig. 1: 12 to 30; What Rypkema might not teach is a code sequence. Instead, what Rypkema uses is RF which possibly could be a code sequence. It would have been obvious to one skilled in the art at the time of the invention to modify Rypkema to make the RF a code sequence. One would be motivated to do so in order to have sensible RF signal); code sequence inverting means which is capable of inverting the code sequence extracted by said code sequence extracting means into an inverted code sequence (Rypkema fig. 1: 40: muting oscillator); phase control means which is capable of advancing the phase of the extracted code sequence or that of the inverted code sequence (Rypkema fig. 2: 60 with other components; fig. 4: 60, 92 with other components); and breaking-

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wave transmitting means for transmitting the inverted code sequence having the advanced phase as a communication breaking wave (Rypkema fig. 1: 38).

10. As per claim 2, Rypkema teaches a communication breaking device according to claim 1, wherein the advancement is performed by said phase control means in a quantity corresponding to at least one code of the extracted code sequence or the inverted code sequence (Rypkema fig. 2: phase advanced in quantity corresponding to the size of the RF or portion thereof).

11. As per claim 3, Rypkema teaches a communication breaking device according to claim 1, wherein said breaking-wave transmitting means incorporates electric-power amplifying means (Rypkema fig. 4: 28) which is capable of arbitrarily control an amplification gain (Rypkema fig. 4: since 28 is an amplifier, it has some gain which could have been arbitrarily set and hence controlled).

12. As per claim 4, Rypkema teaches a communication breaking device according to claim 2, wherein said breaking-wave transmitting means incorporates electric-power amplifying means (Rypkema fig. 4: 28) which is capable of arbitrarily control an amplification gain (Rypkema fig. 4: since 28 is an amplifier, it has some gain which could have been arbitrarily set and hence controlled).

13. As per claim 5, Rypkema teaches a communication breaking device according to any one of claims 1, wherein said breaking-wave transmitting means intermittently transmits the communication breaking wave (Rypkema fig. 2: with switch 42, we can intermittently switch muting on or off and hence intermittently transmit breaking wave).

14. As per claim 6, Rypkema teaches a communication breaking device according to any one of claims 2, wherein said breaking-wave transmitting means intermittently transmits the

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communication breaking wave (Rypkema fig. 2: with switch 42, we can intermittently switch muting on or off and hence intermittently transmit breaking wave).

15. As per claim 7, Rypkema teaches a communication breaking device according to any one of claims 3, wherein said breaking-wave transmitting means intermittently transmits the communication breaking wave (Rypkema fig. 2: with switch 42, we can intermittently switch muting on or off and hence intermittently transmit breaking wave).

16. As per claim 8, Rypkema teaches a communication breaking device according to any one of claims 1, wherein the incoming waves are transmitted from a plurality of the communication apparatuses (Rypkema deals with television and since there are multiple television stations, there would be multiple television stations or communication apparatuses transmitting).

17. As per claim 9, Rypkema teaches a communication breaking device according to any one of claims 2, wherein the incoming waves are transmitted from a plurality of the communication apparatuses (Rypkema deals with television and since there are multiple television stations, there would be multiple television stations or communication apparatuses transmitting).

18. As per claim 10, Rypkema teaches a communication breaking device according to any one of claims 3, wherein the incoming waves are transmitted from a plurality of the communication apparatuses (Rypkema deals with television and since there are multiple television stations, there would be multiple television stations or communication apparatuses transmitting).

19. As per claim 11, Rypkema teaches a communication breaking device according to any one of claims 4, wherein the incoming waves are transmitted from a plurality of the communication apparatuses (Rypkema deals with television and since there are multiple

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television stations, there would be multiple television stations or communication apparatuses transmitting).

20. As per claim 12, Rypkema teaches a communication breaking method adapted to a communication method which modulates or demodulates information about contents of communication with a predetermined code sequence, said communication breaking method comprising the step of: compensating the code sequence in an incoming wave by transmitting a communication breaking wave (103 discussed above with Rypkema).

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Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Attinello USPN 4,317,214; Carlson et al. USPN 4,876,545; Whitney USPN 5,742,417

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pankaj Kumar whose telephone number is (703) 305-0194. The examiner can normally be reached on Monday through Thursday after 8AM to after 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (703) 305-4378. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

PK

June 5, 2003


CHI PHAM
SUPERVISORY PATENT EXAMINER
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6/9/03